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OCT 29 2004

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TO:	Examiner Jean B. Fleurantin	FROM:	Taylor M. Davenport
COMPANY:	PTO - Art Unit 2172	DATE:	10/29/2004
FAX NUMBER:	703-872-9306	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	7000-172
RE:	Supplemental Response	YOUR REFERENCE NUMBER:	09/276,056

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ ORIGINAL TO FOLLOW**NOTES/COMMENTS:**

Attached please find the following documents related to the above-referenced application:

- 1) Supplemental Response After the Filing of a Request for Continued Examination (2 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 29 2004

In re Application of: Darryl P. Black et al.

Examiner: Fleurantin, Jean B.

Serial No. 09/276,056

Art Unit: 2172

Filed: 03/25/1999

For: **FAULT TOLERANCE FOR NETWORK ACCOUNTING ARCHITECTURE**

Mail Stop Amendment

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL RESPONSE AFTER THE FILING OF A REQUEST FOR
CONTINUED EXAMINATION**

In response to the Notice of Allowance mailed October 19, 2004 and in combination with the Request for Continued Examination filed October 26, 2004, Applicant herein offers additional remarks. If any fees are required in association with this response, the Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

REMARKS

Applicant has reviewed the Notice of Allowance mailed October 19, 2004, and offers the following remarks to be considered with the Request for Continued Examination filed October 26, 2004.

The Notice of Allowance mailed October 19, 2004 indicates that the Information Disclosure Statements filed on December 8, 2003 (Paper No. 25) and February 9, 2004 (Paper No. 31) fail to comply with MPEP § 609(d), and have therefore not been considered as to the merits. Since Applicant has filed the Request for Continued Examination, MPEP § 609(d) is no longer applicable, as the prosecution of the application is no longer closed. As such, Applicant requests that the Information Disclosure Statements filed on December 10, 2003 and February 12, 2004 be fully considered.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



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Date: October 29, 2004
Attorney Docket: 7000-172

<p align="center">CERTIFICATE OF TRANSMISSION</p> <p>I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:</p> <p>Examiner: <u>Fleurantin, Jean B.</u> Art Unit: <u>2172</u> Fax: <u>703-872-9306</u></p> <p><u>Kelly Farnow</u> Name of Sender</p> <p><u>[Signature]</u> Signature</p> <p><u>10/29/04</u> Date of Transmission</p>
